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    UBER TECHNOLOGIES, INC.
16 and OTTOMOTTO LLC

17   UNITED STATES DISTRICT COURT

18   NORTHERN DISTRICT OF CALIFORNIA

                   SAN FRANCISCO DIVISION
19

20	WAYMO LLC,	Case No. 3:17-cv-00939-WHA
21	Plaintiff,	**DECLARATION OF DON BURNETTE IN SUPPORT OF DEFENDANTS UBER TECHNOLOGIES, INC. AND OTTOMOTTO LLC'S SUR-REPLY TO WAYMO'S MOTION TO COMPEL UBER SOURCE CODE**
22	v.	
23	UBER TECHNOLOGIES, INC., OTTOMOTTO LLC; OTTO TRUCKING LLC,	
24		Trial Date: December 4, 2017
25	Defendants.	

26

27   **REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**
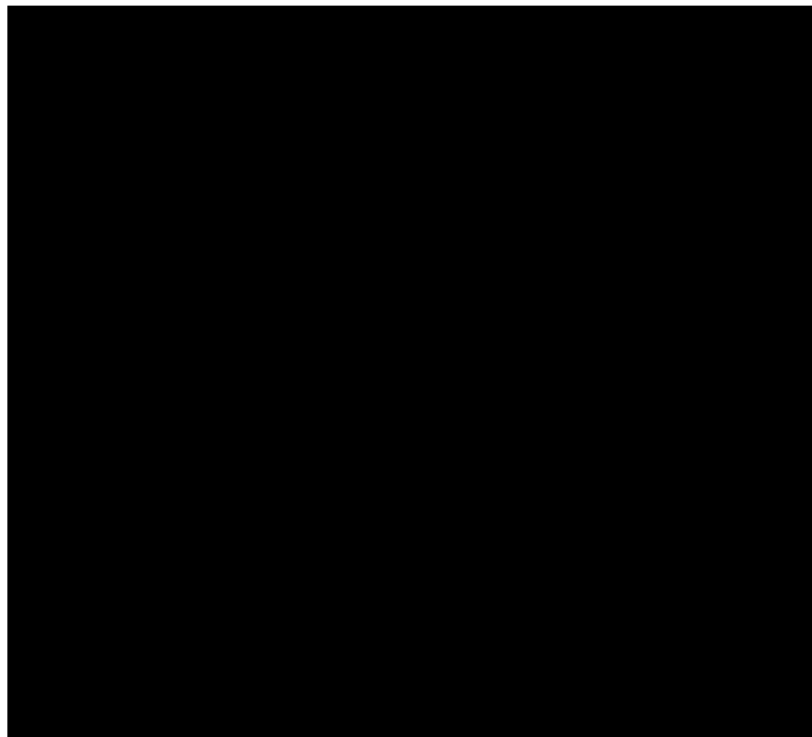
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1   I, Don Burnette, declare as follows:

2   1.   I am Autonomy Technical Lead for the Advanced Technologies Group at Uber

3   Technologies, Inc.. I understand that Waymo has filed a lawsuit against Uber, Ottomotto LLC,

4   and Otto Trucking LLC in the U.S. District Court for the Northern District of California. I submit

5   this supplemental declaration in support of Defendants' Sur-Reply to Waymo LLC's Motion to

6   Compel Uber Source Code. I have personal knowledge of the facts set forth in this declaration

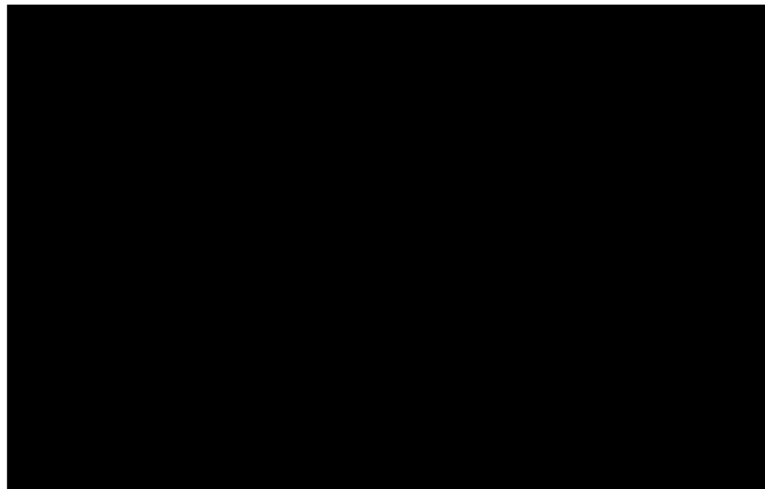7   and, if called to testify as a witness, could and would do so competently.

8   2.   At my deposition on October 13, 2017, I was shown two header files from an

9   image of the laptop I had provided to Stroz Friedberg in March 2016 as part of the due diligence

10   for the Ottomotto acquisition. These two files are attached as Exhibits A and B to this

11   declaration.

12   3.   At the time of my deposition, I did not recognize those files and did not remember

13   anything about them. After my deposition and upon further reflection, I recalled that I had typed

14   up those two header files after I left Google. After leaving Google and before starting at

15   Ottomotto, I had started thinking about how to build the Ottomotto motion planner and wrote

16   down in a header file (i.e., ███████████) various class states and class controls that I was

17   considering (screenshot below). The other header file contained a header description of a

18   ███████████. At the time of my deposition, it had been 18 months since I had last seen

19   those files.

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BURNETTE DECL. ISO DEFENDANTS' SUR-REPLY TO WAYMO'S MOTION TO COMPEL UBER SOURCE CODE
Case No. 3:17-cv-00939-WHA
sf-3832059

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4.   These files did not become part of Ottomotto source code. Ottomotto source code

did, however, ultimately use some of the same class states and class controls. For example, the

Ottomotto Planner uses ████████ as controls (see excerpt of ████████ below).

5.   ████ refers to the ████████████

████████████████████████████. ████ refers to the

████████████████████████. As I

explained in my deposition, ████████ are fundamental physical quantities that many motion

BURNETTE DECL. ISO DEFENDANTS' SUR-REPLY TO WAYMO'S MOTION TO COMPEL UBER SOURCE CODE
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1   planning systems use to define trajectory. For example, from an internet search, one can find a

2   self-driving car software course offered by Udacity that teaches students to write path-planning

3   software that controls for ████.[1] The term ████ was used by some engineers who had worked at

4   Waymo to identify the concept of ████████████████████. That concept is

5   described in public references about motion planning. For example, "Planning Algorithms," a

6   textbook published by the University of Illinois, discusses how in a robotically steered car, a

7   "second integrator can be applied to make the steering angle a C^1 smooth function of time," using

8   "u_a" to "denote the angular acceleration of the steering angle."[2]

9   I declare under penalty of perjury that the foregoing is true and correct. Executed this

10   15th day of October, 2017 at San Francisco, California.

11

12   /s/ Don Burnette
                                                                      DON BURNETTE

13

14   **ATTESTATION OF E-FILED SIGNATURE**

15   I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file this

16   Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Don Burnette has

17   concurred in this filing.

18

19   Dated: October 15, 2017   /s/ Michael A. Jacobs
                                                                      MICHAEL A. JACOBS

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26   [1] *See e.g.*, https://medium.com/@mohankarthik/path-planning-in-highways-for-an-autonomous-vehicle-242b91e6387d.

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28   [2] *See* Ex. C, LaValle, Stephen M, PLANNING ALGORITHMS 744 (2006).